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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,935	09/28/2000	Kevin A. Retlich	00AB191	7591
7590	10/14/2009			
Allen-Bradley Company LLC Attention John J Horn Patent Dept 704P Floor 8 T-29 1201 South Second Street Milwaukee, WI 53204				EXAMINER STORK, KYLE R
			ART UNIT 2178	PAPER NUMBER
			MAIL DATE 10/14/2009	DELIVERY MODE PAPER

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* KEVIN A. RETLICH

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Appeal 2009-001153<sup>1</sup>  
Application 09/672,935  
Technology Center 2100

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Decided: October 14, 2009

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Before JEAN R. HOMERE, ST. JOHN COURTENAY III, and CAROLYN D. THOMAS, *Administrative Patent Judges*.

HOMERE, *Administrative Patent Judge*.

DECISION ON APPEAL

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<sup>1</sup> Filed September 28, 2000. The real party in interest is Rockwell Technologies, LLC.

## I. STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134(a) from the final rejection of claims 1 through 28. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

### *Appellant's Invention*

Appellant invented a method and system for monitoring components in an industrial automation system to dynamically build a real-time view of the monitored components in a variety of languages. (Spec. 1, ll. 6-10.) As shown in Figure 1, a monitoring station (18) executes a software that polls the components (32) of the system to acquire their status and parameters in real-time via a data network (14). As shown in Figures 5 and 8, the identity information obtained from the components (32) is mapped against component descriptive data (98) and a plurality of fields in a database (96) to thereby build the user viewable representations (138) in a various languages. (Spec. 14, ll. 7-15.)

### *Illustrative Claim*

Independent claim 1 further illustrates the invention. It reads as follows:

1. A control and monitoring system including a plurality of control and monitoring components coupled to a monitoring station via a data network the system comprising:

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a database including component data descriptive of the components and a plurality of language fields including textual labels for component data presentations translated into a plurality of languages; and

a plurality of monitoring screens viewable on the monitoring station and including representations of component designations and component status parameters based upon monitored data collected by the monitoring station via the data network from the components in which identifying component data is stored, the screens including textual labels for the representations; wherein the monitoring station is configured to build a view of the components in real-time based upon the identifying component data and to access textual labels in a desired language from the database for display in the monitoring screens based upon the identifying component data collected from the components.

*Prior Art Relied Upon*

The Examiner relies on the following prior art as evidence of unpatentability:

Bapat	4,916,610	Apr. 10, 1990
Tkacs	5,526,268	Jun. 11, 1996
Bargh	6,212,491	Apr. 3, 2001

Admitted Prior Art (AAPA)

*Rejections on Appeal*

The Examiner rejects the claims on appeal as follows:

1. Claims 1 through 7 stand rejected as being unpatentable over the combination of Tkacs, Bapat and Applicant's Admitted Prior Art (AAPA).
2. Claim 8 stands rejected as being unpatentable over the combination of Tkacs, Bapat, AAPA, and Bargh.
3. Claims 9 through 20 and 22 through 28 stand rejected as being unpatentable over the combination of Tkacs and AAPA.
4. Claim 21 stands rejected as being unpatentable over the combination of Tkacs, AAPA, and Bargh.

*Appellant's Contentions*

Appellant contends that the combination of Tkacs, Bapat and AAPA does not teach a monitoring station that collects component identifying data stored within the components themselves to thereby build a view of the components in real-time, as recited in independent claim 1. (App. Br. 8-11, Reply Br. 2-7.) According to Appellant, while Tkacs discloses a monitoring apparatus, it does not collect identifying data from the monitored components in which the data is stored. (App. Br. 10.) Further, Appellant argues that while AAPA discloses that component parameters in an industrial process are sensed, such disclosure does not imply that the parameters are necessarily sensed from the components or that the sensed parameters must be necessarily stored in the components. (Reply Br. 3-4.)

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Additionally, Appellant argues that the cited disclosure does not teach or suggest that the sensed parameters are data that identify the components from which the data is extracted. (Reply Br. 7.)

*Examiner's Findings*

The Examiner finds that Tkacs discloses a monitoring station that stores component data. (Ans. 11.) Further, the Examiner finds that AAPA complements Tkacs by disclosing sensing data from the components, and storing identifying data within a component for at least a short period of time. (*Id* at 12.) The Examiner thus concludes that one of ordinary skill in the art would have found it obvious to combine these references to render claim 1 unpatentable. (*Id.*)

II. ISSUE

Has Appellant shown that the Examiner erred in concluding that the combination of Tkacs, AAPA and Bapat renders claim 1 unpatentable? In particular, the issue turns on whether the proffered combination teaches or suggests a monitoring station that collects monitored data from the components in which identifying component data is stored to thereby build a view of the components in real-time.

### III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

#### *Tkacs*

1. Tkacs discloses a system for dynamically representing in various languages the conditions of components in an industrial process. (Col. 4, ll. 10-19.)

2. As shown in Figure 1, a monitoring processor (24) senses the process parameters via a plurality of sensors (40), encodes their values, and stores them in a database to subsequently produce the multilingual visual representations including symbols, lines colors. (Col. 6, ll. 18-33, ll. 40-52, and col. 7, ll. 28-35, ll. 54-59.)

#### *AAPA*

3. AAPA discloses that industrial systems include numerous interconnected components, such as electric motors, protection devices, drives, starters, and relays that carry out desired industrial processes. (Spec. 1, ll. 12-17)

4. AAPA discloses that the processes may rely upon sensed parameters which are transmitted through a data network. (Spec. 1, ll. 17-19.)

#### IV. PRINCIPLES OF LAW

##### Obviousness

Appellant has the burden on appeal to the Board to demonstrate error in the Examiner's position. *See In re Kahn*, 441 F.3d 977, 985-86 (Fed. Cir. 2006) ("On appeal to the Board, an applicant can overcome a rejection [under § 103] by showing insufficient evidence of *prima facie* obviousness or by rebutting the *prima facie* case with evidence of secondary indicia of nonobviousness.") (quoting *In re Rouffet*, 149 F.3d 1350, 1355 (Fed. Cir. 1998)).

#### V. ANALYSIS

Independent claim 1 requires, in relevant part, a monitoring station that collects monitored data from the components in which identifying component data is stored to thereby build a view of the components in real-time. As set forth in the Findings of Facts section, Tkacs discloses a monitoring processor that senses parameters in a process of an industrial system to generate multilingual views of the process. (FF. 1-2.) Further, AAPA discloses that industrial processes are performed by relying upon sensed parameters of interconnected components of an industrial system. (FF. 3-4.) We find that the Tkacs - AAPA combination, at best, suggests a monitoring processor that senses parameters of interconnected components that make up an industrial process. However, we agree with Appellant that the cited disclosure does not suggest that the parameters are necessarily

sensed from the components, let alone suggesting that the sensed parameters are stored in the components where they are sensed. We further agree with Appellant that the cited disclosure does not necessarily identify the components from which the parameters are sensed. Additionally, we find that Bapat does not cure the deficiencies of the Tkacs - AAPA combination.

Since Appellant has shown at least one error in the rejection of claim 1, we need not reach the merits of Appellant's other arguments. It follows that Appellant has shown that the Examiner erred in concluding that the proffered combination renders independent claim 1 unpatentable.

Because claims 2 through 28 also recite the limitations discussed above, we find that Appellant has also shown error in the Examiner's rejection of these claims for the reasons set forth in our discussion of independent claim 1.

## VI. CONCLUSION OF LAW

Appellant has established that the Examiner erred in rejecting claims 1 through 28 as being unpatentable under 35 U.S.C. § 103(a).

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## VII. DECISION

We reverse the Examiner's rejection of claims 1 through 28.

REVERSED

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